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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/156,052	11/22/93	GALLUP TAPOLCAI	

34M2/0714

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EXAMINER	
3404	
ART UNIT	PAPER NUMBER
	9

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 6/5/95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims 1, 7, 15-19, 25, 27, 28, 33, 36, and 46-57 are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 2-6, 8-14, 20-24, 26, 29-32, 34, 35, and 37-45 have been cancelled.
3. ☒ Claims 36 46-49 are allowed.
4. ☒ Claims 1, 7, 15, 16, 18, 19, 27, 28, 55, and 56 are rejected.
5. ☒ Claims 17, 25, 33, 50-54, and 57 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1, 7, 15, 16, 18, and 27, 28 are rejected under 35 U.S.C. § 103 as being unpatentable over Feher '248 in view of Feher '802. Feher '248 discloses a seat heating/cooling system having a thermoelectric heat pump for heating or cooling the seat. However, Feher '248 does not disclose a controller for automatically regulating the operation of the heat pump. Feher '802 teaches a thermoelectric heat pump for heating/cooling an element. The heat pump has a controller (Figs. 22 and 23) which activates and regulates the operation of the heat pump to produce temperature conditioned air at a temperature and fan speed to maximize the thermal comfort of an occupant. It would have been obvious to one skilled in the art at the time the invention was made to provide Feher '248 with a controller, in view of Feher

'802, for the purpose of automatically regulating the temperature of the heat pump. The number of heat pumps used for the seat is a matter of obvious choice to one skilled in the art.

3. Claims 19, 55, and 56 are rejected under 35 U.S.C. § 103 as being unpatentable over Feher '248 in view of Feher '802 as applied to claim 1 above, and further in view of McGrath, newly cited. Feher '248 discloses the claimed invention except for the recitation of controlling the speed of the fan. McGrath teaches an air conditioning system having a controller for controlling the speed of the fan in response to room temperature. It would have been obvious to one skilled in the art at the time the invention was made to provide Feher '248 with means for varying the speed of the fan in response to temperature, in view of McGrath, for the purpose of controlling the temperature of the seat.

4. Claims 17, 25, 33, 50-54, and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 36 and 46-49 are allowable over the prior art of record.

6. Applicant's arguments filed June 5, 1995 have been fully considered but they are not deemed to be persuasive. Applicant's remarks regarding the varying of the fan speed are believed to be

answered by the newly cited reference to McGrath. It is noted that claims 1, 7, 15, and 27 do not positively recite this feature.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references are cited to show the feature of varying the fan speed in response to temperature.

8. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Tapolcai, Jr. whose telephone number is (703) 308-2640.

WET
July 11, 1995

William E. Tapolcai
Primary Examiner
Art Unit 344